

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7726**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH EUGENE BARRON,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. William M. Nickerson, District Judge. (CR-94-306-WMN, CA-96-3620-WMN)

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Submitted: March 9, 2000

Decided: March 15, 2000

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Before WILKINS, TRAXLER, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kenneth Eugene Barron, Appellant Pro Se. Andrew Clayton White, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kenneth Eugene Barron seeks to appeal the district court's order dismissing his 28 U.S.C.A. § 2255 (West Supp. 1999) motion. We dismiss the appeal for lack of jurisdiction because Appellant's notice of appeal was not timely filed.

Parties are accorded sixty days with the United States as a party after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(b)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on June 30, 1999. Barron's notice of appeal was filed on November 3, 1999.\* Because Barron failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are

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\* The record reveals that Barron could not have given his notice of appeal to prison officials any earlier than November 3, 1999. See Houston v. Lack, 487 U.S. 266 (1988).

adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED